

ORIGINAL

Decision No. 44810

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 OTHA M. SLOSSON, doing business as)
 O. M. SLOSSON TRUCKING CO., for a)
 certificate of public convenience)
 and necessity to operate service as)
 a petroleum irregular route carrier)
 between all points and places within)
 the Counties of Kern, Santa Barbara,)
 Ventura, Los Angeles, Orange, San)
 Diego, Inyo, San Bernardino, River-)
 side and Imperial.)

Application No. 31260

Arlo D. Poe, for applicant. Lloyd R. Guerra, for
Cantlay & Tansole, Inc. and Allyn Tank Line, Inc., Gordon & Knapp,
 by Sanford A. Waugh, for Lamb Transportation Co., protestants;
Bertram S. Silver and Edward Berol, by Bertram S. Silver, for
Lang Transportation Company, Fortier Transportation Company,
Acme Transportation Company, and Pacific Truck Service, in-
 terested parties.

O P I N I O N

By his original application, applicant requested a
 certificate of public convenience and necessity to operate as a
 petroleum irregular route carrier, serving all points and places
 in the counties of Kern, Santa Barbara, Ventura, Los Angeles,
 Orange, San Diego, Inyo, San Bernardino, Riverside, and Imperial.
 Applicant filed an amendment to his application, seeking
 authority to operate as a petroleum irregular route carrier
 throughout the state of California.

Public hearing on the application was held before
 Examiner Rogers in Los Angeles, on August 28, 1950, at which

time and place oral and documentary evidence was adduced and the matter was duly submitted for decision.

The applicant, in support of his application, testified relative to the need for his services, but presented no other witnesses. He stated he had been hauling petroleum products in tank trucks continuously since 1930, performing a statewide service. Since the effective date of the Highway Carriers' Act (Statutes 1935, Chapter 223), applicant has held a highway contract carrier's permit. Applicant introduced in evidence exhibits which identified 37 shippers⁽¹⁾, for which he transported petroleum products in tank trucks and trailers, and 55 consignees⁽²⁾ to which he delivered petroleum products during the period from June, 1949, to June, 1950. Applicant stated that these exhibits set forth substantially all of his shippers and consignees. Applicant presented a list⁽³⁾ showing the destination of all petroleum shipments transported by him during the period from January 1, 1949, to June 30, 1950. This exhibit shows no shipments having origin or destination outside of the counties in which, by the original application, applicant sought authority to serve. Applicant testified that he has equipment to haul, and hauls, petroleum products of all types other than products requiring pressurized tanks.

(1) Exhibit No. 3.
(2) Exhibit No. 4.
(3) Exhibit No. 2.

Over 100 carriers of petroleum products in bulk were notified of the hearing on the above application. Seven only were represented at the hearing. The representatives of these seven carriers stated that they have no objection to applicant's being granted a certificate of convenience and necessity to serve in the area described in his original application.

The Commission finds as a fact that public convenience and necessity require that applicant be given authority to perform a service as a petroleum irregular route carrier in the counties of Kern, Santa Barbara, Ventura, Los Angeles, Orange, San Diego, Inyo, San Bernardino, Riverside, and Imperial, only, and that public convenience and necessity do not require that applicant be permitted to perform such service at any point outside of said counties.

Otha M. Slosson, doing business as O. M. Slosson Trucking Co., is hereby placed upon notice that operative rights, as such, do not constitute a class of property which may be used as an element of value in rate-fixing, for any amount of money in excess of that originally paid to the state as the consideration for the granting of such rights. Aside from their purely permissive aspect, they extend to the holder a full or partial monopoly of a class of business over a particular route. This monopoly feature may be changed or destroyed at any time by the state, which is not, in any respect, limited to the number of rights which may be given.

O R D E R

Application as above-entitled having been filed, a public hearing having been held, the matter being duly submitted, and the Commission being fully advised in the premises and having found that public convenience and necessity so require,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity be, and it hereby is, granted to Otha M. Slosson, doing business as O. M. Slosson Trucking Co., authorizing the establishment and operation of a service as a petroleum irregular route carrier, as defined in Section 2-3/4 of the Public Utilities Act, for the transportation of petroleum and petroleum products, except petroleum products requiring pressurized tanks, in tank trucks and tank trailers, over any public highway between all points and places within the counties of Kern, Santa Barbara, Ventura, Los Angeles, Orange, San Diego, Inyo, San Bernardino, Riverside, and Imperial, in the state of California.

(2) That, in providing service pursuant to the certificate herein granted, applicant shall comply with and observe the following service regulations:

- (a) Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed thirty (30) days from the effective date hereof.
- (b) Within sixty (60) days from the effective date hereof and on not less than five (5) days' notice to the Commission and

the public, applicant shall establish the service herein authorized and comply with the provisions of General Order No. 80 and Part IV of General Order No. 93-A, by filing in triplicate and concurrently making effective, appropriate tariffs and time tables.

The effective date of this order shall be twenty (20) days after the date hereof.

Dated at San Francisco, California, this 19th day of September, 1950.

R. T. Anderson
Justin F. Craven
Leah H. Russell

COMMISSIONERS